

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**THEODORE VINCENT HORN II,**

**Petitioner,**

**v.**

**STATE OF KANSAS, et al.,**

**Respondents.**

**Case No. 16-3156-CM**

**MEMORANDUM AND ORDER**

Theodore Vincent Horn II, a prisoner housed by the Kansas Department of Corrections, filed a pro se petition for writ of habeas corpus (Doc. 1). Petitioner was convicted in state court of first degree murder and sought a writ pursuant to 28 U.S.C. § 2254. This court denied the § 2254 petition and entered judgment against petitioner on December 7, 2018. On December 17, petitioner filed a motion for extension of time to file a motion to reconsider (Doc. 27).

Presumably, petitioner intends to file a Rule 59(e) motion to alter or amend judgment. *See* D. Kan. Rule 7.3(a) (“Parties seeking reconsideration of dispositive orders or judgments must file a motion pursuant to Fed. R. Civ. P. 59(e) or 60.”) A party must file a motion to alter or amend judgment pursuant to Rule 59(e) within twenty-eight days of judgment. The court is without authority to extend the time periods specified in Rule 59(e). Fed. R. Civ. P. 6(b); *Weitz v. Lovelace Health Sys., Inc.*, 214 F.3d 1175, 1179 (10th Cir. 2000); *see also Collard v. United States*, 10 F.3d 718, 719 (10th Cir. 1993) (“Rule 6(b) expressly prohibits a trial court from extending the time to file [a Rule 59(e)] motion.”). The court therefore denies petitioner’s motion for extension of time.

**IT IS THEREFORE ORDERED** that petitioner's motion for extension of time (Doc. 27) is denied.

Dated this 20th day of December, 2018, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**